CONFIDENTIAL 70 CONFIDENTIAL

1949-57 File No. 5.92

Confidential

P.W. DEPARTMENT

B CLASS E(III) BRANCH

Subject:— Petitions & Memorials.

B 1954
Individual

B(A)

B(A)

E(III)

File No. 5.92

Std. Forms. Sh. 54A—1026—30,000—3-46

G. R., G. D., No. 2408, dated 22-6-22 — 1 m.

Std. Sectt. 78 a.

DOCKET SHEET

Subject:-
Representation from Shri ~~K.R. Dhargai~~ K.R. Iyer, late Overseer in the P.W.D., for redress of certain grievances.

File No. S.92/4401.0.

P.W. DEPT.

E. BRANCH. (II)

References:-

From Main file B(M.1)

Separated ~~regarding wife~~ ~~B.S.~~ B & A.

Date.	To whom sent.	Notes and instructions.
1-8-50	C.C. 7-2	P.I. returned to P.W.D. with P.W.D. File No 1220/48 complete.
K	Request of Shri	K. R. Iyer, Overseer of P.W.D. Kanara for payment of leave and Pension Contribution
B	Complaint against	Lachman Sweeper D.I. Thawle
		R. L. Phansalkar
M		P. B. Chandekar overseer request for payment
M		K.F. Bhatia to reinstate of salary and reinstate ment in service
C		J. S. Desai Clerk request for restoring increment in Service.
		Smt. S. V. Dighe for appt. as clerk in Baroda Dy.
M	Complaint	Staff against W.S. Subn. Kalyan
		~~S K. Shah~~

ADVANCE COPY. Regd. A.D.

To -

The Honourable Minister,
For Public Health & Public Works Department.
Government of Bombay, BOMBAY.

Remarks may be put up when the official copy comes in.

Sub: Pension contribution & leave salary on behalf of Mr.K.R.Iyer, Overseer lent from D.L.B., Kanara, to the P.W.D. Kanara Division.

Ref:- Government of Bombay Circular Political and Services Department No.1586/34/ dated 22nd July 1948 regarding the eligibility of employees of Local Bodies for Government service

Sir,

I beg to state that I am an Overseer, in the D.L.B. Kanara on a pensionable cadre since 1926. During World War No.II I had also rendered my approved War Service as an S.D.O. in M.E.S. After the termination of War, I was repatriated to my parent Department. During my Military service my pension contribution and leave salary was met by the Defence Department.

As per unanimous Resolution of the D.L.B. General Committee, my services were lent to P.W.D.Kanara on Foreign Service conditions and accordingly I served in P.W.D.Kanara from 4/4/47 to 31/3/1949 temporarily and I was repartriated as per S.E.S.C. No. G.40 dated 8/1/1949. Since there was no prision at the time of my appointment in the B.C.S.R. abt the eligibility of employees of Local Bodies for Govement Service, the S.E.S.S.Belgaum refused to count my serce on Foreign service conditions though my services were duly required by the P.W.D. as per Executive Engineer's G.40 of 31/3/1947, and hence he ordered that the P.W.D. could not take the responsibility of paying leave salary and pension contribution and left it to the D.L.B. to arrange for the same. Hence I had to give my consent to D.L.B. that if Government does not pay my pension contribution and leave salary while serving in P.W.D. under Government Department I would pay the contribution out of my salary.

Now I give below the data of my differences of pay for favour your kind perusal.

Pay as per old scale of D.L.B. 60-5-140.	Pay as per revised scale of D.L.B. 100-8-180 E.B.10/200	Pay in P.W.D. 70-5-110 E.B.10-180
4/4/47 120/- 10/-	148/-	130/- + 10/-.
31/8/47. -	156/-	130/- + 10/-.
31/8/48. -	164/-	130/- + 10/-.
31/3/49- -	164/-	130/- + 10/-.

From the above it is evident that I worked in the P.W.D. on a much reduced pay. Generally foreign service is coupled with higher scale of pay or with some increase in pay upto 25/- per cent. But in my case I have worked in P.W.D. at a loss of pay as below.

4/4/1947 to 30/8/1947 at Rs. 8 P.M. Rs.32/-
31/8/1947 to 30/8/1948 at Rs. 16 P.M. Rs.192/-
31/8/1948 to 31/3/1949 at Rs. 24 P.M. Rs. 168/-.
Total amount Rs. 392/-

Under the above circumstances, if I am forced to pay my pension contribution and leave salary etc., I am to incu an additional loss as penalty of Rs. 30 P.M. for 24 months Rs.720/- total aggrigating to Rs.(392+ 720)= 1112/- as net loss for serving in P.W.D.Government of Bombay.

In this connection, I beg to invite your kind atten tion to Government Circular fm Political and Service Depart ment No. 1586/34/dated 22-6-1948 regarding the eligibility of employees of local bodies for Government service provide necessary permission is granted by the lending Department. Therefore it goes to show that the posts are interchangeable

Further I again beg to invite your kind reference to G.R.F.D.(Supply) No.L.42/158/ dated 5-4-1944, according to which Government has undertaken to pay leave and pension contribution to the staff recruited from Local Bodies to the Civil Supply Department. And another Civil Supply Department No. 725/L.S.P.F.20/Est.dated 7/1/1949 according to which the Government has directed that the contributions on accor of leave and pension in respect of persons on deputati

from Local Bodies to Government Civil Supply Department would be paid in full in the case of those persons only who are not getting more than 25 per cent increase on their pay in their parent department. As this goes to show suitable persons from local bodies can be entertained by ~~Government and their leave salary, pension or provident~~ Fund contributions are paid by Government.

Finally (1) I was getting much less salary in P.W.D. than in my parent Department.(2) I have not been paid the difference of pay due to Revision of pay scale as I had not continued in D.L.B. during 1947-1948.(3) I am not given Deputation allowance of 25/- per cent as usual in P.W.D. In view of these facts and also myself actually serving in the Government Department, there is no moral or legal ground to recover my pension contribution or leave salary from me out of my pay.

Therefore I pray that suitable orders may kindly be passed to waive the recovery of pension contribution and ~~add~~ leave salary to be recovered from me and to pay me the same pay that I would have drawn in the D.L.B. had I not joined the P.W.D. service. So that I may not also be a loser in calculating my pension. Lastly it is nothing short of greatest injustice if I am not given the same previlages in Government service as in the D.L.B. if not more and pray that the same may kindly be granted for the above act of kindness I shall ever remain grateful.

Siddapur
11 th April 1949.

Yours faithfully,
(Sd/- K.R.Iyar)
Overseer, D.L.B.Kanara,
Camp: Siddapur.

P. W. D.

Copy submitted with respects through:
(1) President D.L.B.Kanara with reference to his No. 7222 dated 9/3/47 & 7562 dated. 23/3/49.
(2) Superintending Engineer S.C. Belgaum in Continuation of my Registered Letter dated 5/12/48. Through the Executive Engineer, Kanara Division Karwar
(3) Copy submitted to the Accountant General Bombay in continuation of my Registered Letter dated 5/12/48 for favour of perusal, and further action.

7

S-92/26437

E. B (II).

P.W.D.

This is a representation from Mr. K.R. Iyer, Overseer D.L.B., Kanara, requesting Govt. to waive the recovery of pension contribution and leave salary and to pay him the pay that he would have drawn in D.L.B. had he not joined the P.W.D. service, for a period from 4-4-47 to 31-3-49. In view of the H.M; P.W.D's minute at P. 1 ante, the receipt of the official copy submitted through proper channel may be awaited.

27/4/49

Kjm 27/4/49

S-92/26437

P.W.D.

E.B (II)
Resubmitted.

2. The draft put up may issue.

Bnd
21/5/49

21/5/49

7.

Letter.

S·92/26437

No. S-92/26437-E (III).

P.W.D.
B.C., 24
15 May 1949.

To

The S.E., S.C.

Sub:— Pension contribution and leave salary on behalf of Mr K.R. Iyer, Overseer lent ~~from~~ by the D.L.B., Kanara, to the P.W.D., ~~Kanara Dn~~ P.I.

The representation, dt. the 11-4-49, from Mr K.R. Iyer, addressed to the H.M. P.W.D., on the subject mentioned above and submitted through you, should pl. be ~~submitted~~ passed on to Govt. with your report at an early date.

By order etc.

Copy to the Ex. Engr., Kanara Dn., for information.

D.A.
Nil.

ISSUED
on 26/5/49

23/5/49

23/5/49

24/5/49

11

Letter.

From

The Superintending Engineer,
Southern Circle, Belgaum.

To

The Secretary to Government,
Public Works Department,
BOMBAY.

No.G-401/3

Public Works Department,
Belgaum: 1st June 1949.

Subject: Pension contribution and leave salary on behalf of Mr. K. R. Iyer, overseer, lent by the D.L.B.Kanara to the P.W.D.

P.9 Reference: Govt. Letter No.S-92/26437-E(II) dated the 24th May 1949.

Mr. K. R. Iyer, overseer, having been repatriated to the District Local Board, Kanara, from 1st April 1949, the President of the Board under whom he has now been serving, has been requested to endorse his remarks on the representa-tion of the overseer. On receipt of the report from the President, District Local Board Kanara, through the Executive Engineer, Kanara Division, the representation of the overseer will be passed on to Government with my remarks.

GDT.

Superintending Engineer, S.C.

S·92/36791

P.W.D.

E·B(II).

Await.

DM
6/6/49

Bur3
6/6/49

EB(II)
30/6

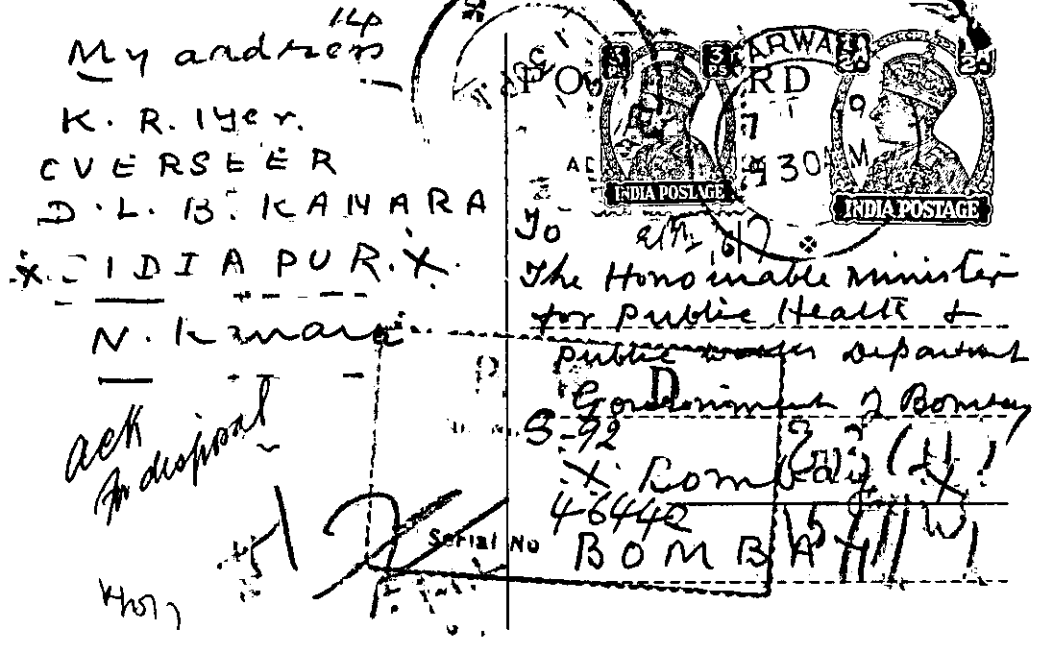
EB(II).

The S.E.S.C. has been expedited under No. S-92/36791-E(II), dt the 12th July 1949

RuB
12/7/49

ISSUED
12/7/49

S:92
36791


My address
K. R. Iyer.
OVERSEER
D. L. B. KANARA
BIJAPUR.
N. Kanara
ack
for disposal
To
The Honourable Minister
for Public Health &
Public Works Department
Government of Bombay
Bombay (1)
Serial No
BOMBAY
INDIA POSTAGE
INDIA POSTAGE

13

Sub: Pension contribution a/c. Leave salary on behalf of Mr K. R. Iyer Overseer lent from G.I.B Kania to The P.W.D Kanara Division. P.1

Ref: My Regd application of 11th April 1949.

Sir,

Kindly favour me the action taken in the matter by a reply as I have not received any reply in this connection

(Reminder No. I)

Yours faithfully
(K. R. Iyer)

P.T.O.

15

S-92/46442

P.W.D.

E.B (II).

Submitted for information.

2. The draft put up may issue.

18/7/49

18/7/49

Ans up.

S-92/46442 16

No. S-92/46442-E(II). P.W.D.

Bc, 4th July 1949. 20

To K.R. Iyer, Esqr.,
Overseer, D.L.B., Kanara,
Siddapur, N. Kanara.

Sub:- Pension contribution and leave salary on behalf of Mr K.R. Iyer, overseer, lent by the D.L.B., Kanara, to the P.W.D.

Dear Sir,

I am directed to acknowledge the receipt of your p.13 post card without date, on the subject mentioned above, and to inform you that the matter is still under consideration of Govt.

Yours faithfully. p.11

E.A. Nil

Copy to the S.E., S.C., with ref. to his letter No. C 40/3, dt the 1-6-49.

2. The S.E. is requested to submit the report in the matter at an early date.

BMB 13/9/49

K/19/7/49

Dy Sec 21/7/49 dtk

A/ Sec/.

17

Letter.

From

The Superintending Engineer,
Southern Circle.

To

The Secretary to Government,
Public Works Department,
B O M B A Y.

No.G-40./1

Public Works Department
Belgaum: 16th J u l y 1949

Subject: Pension contribution and leave salary on behalf of Mr. K. R. Iyer, overseer lent by the D.L.B. Kanara to the P.W.D.

Reference: Govt. Expeditor No.S-92/36791-E(11) dated the 12th July 1949.

Government reference No.S-92/26437-E(11) dated the 24th May 1949 will be disposed of immediately on receipt of a reply from the President, D.L.B. Kanara, who has been expedited in the matter.

S S Deets 16/

GDT.

Superintending Engineer, S.C.

S-92/46813

P.W. 2

E.B(a).

Await.

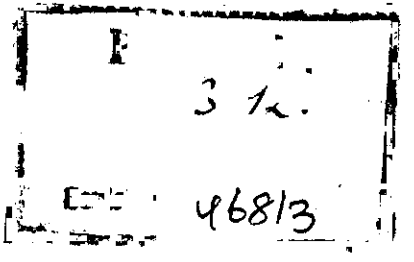
DNB 22/7/14

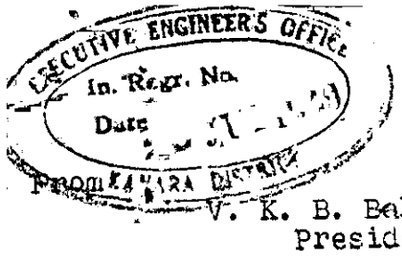
22/7/14

Dr. J.

S.A. Secy.

E(iv) 18/7





No. L. F. 2034 of 1949-50.
Office of the President, D.L.B., Kanara.
K a r w a r, 16th July 1949.

From V. K. B. Balkur, Esquire, L.C.P.& S.,
President, District Local Board, Kanara.

To

The Superintending Engineer,
Southern Circle, Belgaum.

SUBJECT:- Pension contribution and leave salary on behalf of Mr. K. R. Iyer, overseer lent from District Local Board, Kanara, to the Public Works Department, Kanara Division.

Application dated the 11th April 1949 from Mr. K. R. Iyer, overseer, addressed to the Honourable Minister for Public Health & Public Works Department, Bombay.

Sir,

With reference to your No. G-40/2, dated 25-5-1949, I have the honour to state that I should be very glad if Government be pleased to pay the pension contribution and leave salary contribution on behalf of Mr. Iyer, for the period of temporary service in Government Public Works Department on deputation from Board's service, after sympathetic consideration of his representation.

Yours faithfully,

President,
D. L. B., K a n a r a.

C

===

Through,

The Executive Engineer, Kanara Division, Karwar, with compliments.

Below President,District Local Board Kanara's No. L.F. 2034 of 16/19-7-1949 offering his remarks on the representation dated 11-4-1949 from Mr.K.R.Iyer Overseer addressed to the Honourable Minister for Public Health and Public Works Department,Bombay.

****

No.G-40/CB /2

Office of the Ex.Engr.Kan.Dn., Karwar, 2nd August 1949.

Passed on with compliments, to the Superintending Engineer,S.C.Belgaum with reference to the correspondence resting with his No. G-40/1 of 16-7-1949.

2. The President,District Local Board,Kanara has not sent the application with his remarks presumably due to the fact that one copy was already sent by Mr.K.R.Iyer Overseer to you through this office.

3. At the outset Mr.K.R.Iyer,Overseer, was specifically given to understand (vide this office order issued under ~~this office~~ No.G-40 of 31-3-1947) that his appointment in this Department cannot be treated as on foreign .Regarding Pension contribution and leave salary , Mr.K.R.Iyer was informed that it was a matter to be decided between himself and the District Local Board.So,his appointment in this Department was purely as a temporary measure and subject to the conditions applicable to temporary employees of P.W.D. In this connection your reference is also invited to the Resolution of the District Local Board,Kanara, copy forwarded to you under this office No. G-40 of ~~9-4-47~~ in which it is stated that Mr.K.R.Iyer had given his willingness in writting to pay the pension contributions and leave salary from his pay as this Department was not prepared to take him as on foreign service conditions.

4. For the period he worked in this Department from 4-4-1947 B.N. to 31-3-1949,no increment was granted to him as he had not also produced his Service book which he has now done.But all along,his work in this Department was not found to be satis-factory and all the three different Sub-Divisional Officers under whom he worked have reported adversely on him. ~~I~~ The undersigned is therefore not inclined to grant him the increment. In the circumstances orders are solicited whether the increment may be granted to him from due date. He was appointed in this Department on Rs 130- Plus 10 /-T.A.P. per month in thescale of Rs 70-5-110-EB-10-130-EB-10-250.

5. This also disposes of your No.G-40/ of 26 July 1949.

sd/- G. N. Godse,

Encl.
A.D.L.B's remarks.
VBJ. 1/8.

Executive Engineer
Kanara Division

Below Executive Engineer, Kanara Division's Endorsement No,G-40/CB/2 dated the 2nd August 1949.

Subject: Pension contribution and leave salary on behalf of Mr. K.R. Iyer, Overseer lent to the District Local Board, Kanara to the P.W.D.

No. G-40/1/1

Public Works Department
Belgaum: 4th August 1949.

Passed on with compliments to the Secretary to Government, Public Works Department, Bombay, with reference to Government Letter No.S-92/46442-E(II), dated the 20th July 1949 addressed to Mr. K.R. Iyer, overseer, D.L.B. Kanara and copy endorsed to this office.

2. The Undersigned fully concurs with the views and remarks endorsed above by the Executive Engineer, Kanara Division.

3. Mr. K. R. Iyer, having been specifically given to understand that his appointment in this Department cannot be treated as on foreign service conditions, he had given a statement to the President, D.L.B. Kanara to the effect that he was prepared to pay the pension contribution and leave salary. Mr. Iyer was also informed that it was a matter to be decided between himself and the D.L.B. Mr. Iyer had given to the President, in writing, his willingness to pay the pension contribution and leave salary from his pay as this Department was not prepared to take the overseer on foreign service conditions.

4. In view of the unsatisfactory work of Mr. Iyer reported by the three different Sub Divisional Officers under whom he had worked and serious irregularities committed by him in this Department, the Undersigned is not inclined to grant him the increments due to him. A report regarding the irregularities in the Sirsi Sub Division (Kanara Division) is being submitted to Government separately.

S S Dutt 11/2

Superintending Engineer, S.C.

GDT.

2B II
13/8
S-92
53385

S. 92/53385.

P.W.D.

E.B.(II).

The services of Mr K.R. Iyer, overseer in the D.L.B. were lent to this Deptt. from 4-4-1947 to 31-3-1949. Before his appointment to the P.W.D. he was distinctly given to understand that he could not be taken as on foreign service. He was also given to understand that his leave salary and pension contribution would not be paid by Govt. and that it was a matter to be decided between him and the D.L.B. It was only on his consenting to pay the leave salary and pension contribution from his pay he was appointed as an overseer in this Deptt. - vide para 3 of the Ex. Engr's endt. at p. 21 ante.

2. Mr. Iyer now states that orders have since been issued making local body employees eligible for Govt. service provided permission is granted by the lending Deptt. - vide G.C., P.&S.D., No. 1586/34, dt. the 22-6-1948. Mr. Iyer also refers to G.R., F.D.(S), No. L.42/158, dt. 5-4-44 and C.S.D. No. 725/L.S.P.F. 20 Est, dt. 7-1-49, wherein Mr. Iyer states Govt. has directed that contributions on account of leave and pension of persons on deputation from local bodies to C.S.D would be paid in

S.92/53385.

in full in case of those persons who are not getting more than 25% increase on their pay in the parent Deptt. Mr. Iyer therefore requests Govt. to waive the recovery of pension contribution and leave salary from his pay. The F.D. may be requested w.o. to state whether the orders refd. to above can be made applicable in the case of Mr. Iyer.

3. Mr. Iyer also requests that as his pay was much less than that he would have drawn in the D.L.B. had he not been transfd. to the P.W.D, he may also be given the same pay he was eligible for in the D.L.B. It does not seem possible to give Mr. Iyer the same pay he would have drawn in the D.L.B. under the revised scale, as the scales of this Deptt. were much higher than that of the D.L.B. when he joined it.

4. The P.S.D and the F.D. may see the papers w.o.

M
24-8-49.

Hy 18/8/49

W.O. to P&SD & FD dtd 25/8/49.

POLITICAL AND SERVICES DEPARTMENT
File No. IWD 892/53385
25 AUG 1949
Serial No. 6662

Poll. and Services Deptt.
D Branch.

So far as P. & S. D. is concerned, Mr. Iyer's request that Govt. should pay his leave and pension contribution to the D.L.B. cannot be granted. He had clearly agreed to paying the same himself. It is also seen from the report of the Supdtng Engineer that Govt. had refused to treat his appointment under this Govt. as on foreign service terms. Mr. Iyer has urged no valid argument which has rendered any change in this decision necessary. The orders in G.C.P & S. D., No. 1586/34 dated the 28-6-48 referred to by Mr. Iyer are not relevant in this connection. These orders say that if an employee of the D.L.B. wants to apply for a post under Govt. he should put it's application through the authorities of the D.L.B. etc. This does not or cannot mean that the appointment of all the employees of the D.L.B. etc. who succeed in getting appointment under Govt. should be treated as on foreign service terms. Each case is evidently to be governed by the agreement reached on the particular occasion. Similarly the orders referred to in para 2 of the note cannot help Mr. Iyer. They mean that in particular case Govt. has agreed to treat the appointment of D.L.B.Overseers as on foreign service terms. This does not mean that the appointment of all D.L.B. employees should be treated similarly. The fact is that each case is to be decided on merits and so far as Mr. Iyer's appointment was concerned it was clearly specified and also accepted by him that it would not be on foreign service terms and that he himself had to pay the leave and pension contribution.

P. & S. D. may in the circumstances suggest that Mr. Iyer's request should not be granted. The papers may be passed on to F.D.

CS (D) 2019/49

18

B.19949.

DS 19.9.49

20/9/49

Finance Deptt.

Pl. see P.W.D. note dated 27.4.49; and proceedings at pages 21 onwards.

2 As for Mr. Iyer's request re: waiving the recovery of leave salary and pension contributions (in other words payment by Govt. of leave salary and pension contributions to D.L.B. on his behalf) F.D. may concur in the P.W.D. view.

10.X.49

4/10

F.D. may also concur in the view expressed in para. 3 of the P.W.D. note dated 24-8-1949.

12/10/49.

/10

for W.P. W.D. dt 12-X-49.

E(II) 15/10

CB(II) 15/10

P. W. D.
File No. S. 92.
67482

Reg'd F.D.
Pl. return W.P. W.D.
13/X

29 S 92/53385.

P. W.D

E.B. (II).

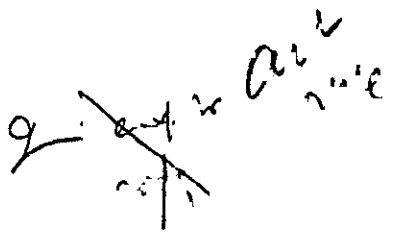
The P.+S.D. and the F.D. expedited under

Re. pension contribution and leave salary on behalf on Mr. K.R. Iyer, Overseer, D.C.B. Kanara.

wor. No. S.92/53385-E(II), of the 21-9-49 for the return of ppr. refd. to x the above-mentioned Depts ~~on~~ on the 25-8-49.

Issued 21/9/49 RPA

29/9/49



POLITICAL AND SERVICES DEPARTMENT
File No. PWD 592/53385
D 21 SEP 1949
Serial No. 18413

2731

Urgent

PUBLIC WORKS DEPARTMENT.

Unofficial Reference No. S.92/53385 20-9 dated 25-8-1949.

Subject:- Pension — contribution and leave salary on behalf Mr. K.R. Iyer, Overseer, S.L.B., Kanara.

The attention of the Political and Services and the Finance Deptt. Department is requested to the unofficial reference from this Department noted in the margin, the early return of which with a reply will be convenient.

S A Jahir

for Assistant Secretary to Government.

Unofficial reference to the Political and Services Department and Finance Department No. S.92/53385-E(II) dated September 1949.

3032 P&SD

D

The P.W.D. pps in question have been passed on to the FD on 20/9/49, this may be passed on to that deptt in continuation...

S.D. 10/10/49

P. W. D.
File No. 0-92
Serial No. 68258

FINANCE DEPARTMENT
File No.
Date
Serial No.

FINANCE DEPARTMENT
File No. C 12
Date 10/10/49
Serial No.

FD

C Br.

The P.W.D. pps. have been returned to P.W.D. on 13th Oct 1949. This may be also returned to that Deptt in continuation.

BM 13/X.

E.B.(II).

The services of Mr.K.R.Iyer, Overseer in the D.L.B.,Kanara, were lent to this Deptt.from the 4-4-47 to the 31-3-49. Before his apptt.to the P.W.D. he was distinctly given to understand that he could not be taken as on foreign service. He was also given to understand that his leave salary and pension contribution would not be paid by Govt. and that it was a matter to be decided between him and the D.L.B. It was only on his consenting th pay the leave salary and pension contribution from his pay, he was appointed as an overseer in this Deptt.- vide para.3 of the Ex. Engr's endt. at p. 21 ante.

Flag X
L. ...
P 37

2. Mr. Iyer now states that orders have since been issued in G.C.M.,P.& S.D. No.1586/34,dated the 22-6-48, making local body employees eligible for Govt. service provided permission is granted by the lending Deptt. The orders issued in the above Circular do not appear to be relevant to Mr.Iyer's case. These orders state that if an employee of the D.L.B. or any other local body wants to apply for a post under this Govt. he should send it his application.thro.the authorities of the local body. This does not or cannot mean that the apptt.of all the employees of the D.L.B.,etc.,who succeed in getting an apptt. under Govt. should be treated as on foreign service terms. Each case is evidently to be governed by the agreement reached on the particular occasion. Similarly the orders refd.to by Mr.Iyer viz. G.R.,F.D(s) No.L.42/158,dated the 5-4-44 and C.S.D.No.725/L.S.P.F.&Est.,dated the 7-1-49 cannot help Mr.Iyer. They mean that in the particular case Govt. has agreed to treat the apptt.of D.L.B.overseers as on foreign service terms. This does not mean that the apptt.of all D.L.B. employees should be treated similarly. The fact is that each case is to be decided on merits and so far as Mr.Iyer's apptt.was concerned

it

S.92/6825B.

it was clearly specified and accepted by him that it would not be on foreign service terms and that he himself had to pay the leave and pension contribution. In the circumstances Mr.Iyer may be informed that his request for payment by Govt. of leave and pension contribution cannot be granted.

3. Mr. Iyer also states that had he not been transferred to the P.W.D.,he would have drawn higher pay under the D.L.B. in the revised scales. Mr.Iyer therefore requests that he may at least be given the same pay that he would have drawn under the D.L.B. while under this Deptt. It does not seem possible to give Mr.Iyer the same pay as the scales of this Deptt.were much higher than that of the D.L.B. when he joined it. In the circumstances Mr.Iyer's request may be negatived.

4. Incidentally Mr.Iyer was involved in a series of irregularities for which departmental action was proposed against him. The S.E.,S.C. has recommended that Mr.Iyer should be dismissed from the Local Board Service. The papers have been refd. to the H.R.C.D. in connection for advice in this case. Thro: E.B.(III).

BKR.18/10/49.

19-10-49

20-10-49.

I agree with the O.N.

20/10/49

Mr Iyer has no claim to the contribution by Govt. towards pension and leave for the period of his deputation from the D.L.B. Kanara to the P.W.D. On compassionate grounds too, his case does not deserve special treatment as his work in the P.W.D was found to be unsatisfactory by 3 S.D.Os under whom he served

25/10

H.M.P.W.D

Sd/-

5/11

7/11

S. 92/68258.

P.W.D.

E.B. (II).

Submitted with the secy. draft for approval.

M
8-xi-49.

8/11/49

D. S.

S.92/68258. Letter 51

No. S.92/68258-E(II).

P.W.D.,
B.C., 9th Nov. 1949.

To

The S.E., S.C.

Sub:- Request from Mr. K.R Iyer, Overseer, for payment of leave and pension contribution, etc., while in the service of the P.W.D

Refce: Your endt. No. C.40/1, dt. the 11-8-49.

2. The President, D.L.B., Kanara, should be informed that Mr. K.R. Iyer's request for payment of leave and pension contribution by this Govt while in Govt. service cannot be granted.

3. The President should also be informed that Mr. Iyer's request for grant of the same pay as he would have drawn in the D.L.B. had his services not been transferred cannot be approved.

By order of the G. of B.,

D.A.- Nil

M
8-xi-49.

ISSUED on 11.11.49

8/11/49

COPY No. I: 1 37

Copy of letter No. Pen.Con.3143, dated 6-8-1947, from the Accountant General, Bombay, to the President, District Local Board, Kanara.

==O==

Subject:- Pension contribution.
District Local Board, Kanara.

***

"With reference to your letter No. L.F.1873 dated 10/15-7-1947, I have the honour to state that as Mr. Iyer has joined temporary service in the Public Works Department (i.e.) Government service, with effect from 3-4-47, pension contribution from Mr. Iyer himself is not recoverable; but the District Local Board Kanara will have to pay pension contribution on the post held by Iyer so long as it has been abolished from the pensionable cadre. The Board may make necessary arrangement to recover the amount of pension contribution from Mr. Iyer himself if necessary.

"In view of the above remarks, the pension contribution for the period for which it has not been credited on the post held by Iyer, may please be credited now at an early date under intimation to this office."

====

No. L. F. 2702 of 1947-48.
Office of the President, D.L.B., Kanara.
Karwar, 22/28th Aug., 1947.

Copy forwarded to Mr. K. R. Iyer.

2. He should credit the amount of pension contribution due from him to the Board immediately at Rs.11-8-0 per mensem.

3. Please treat this as most urgent.

sd/ D. S. Naik.
President, D.L.B., Kanara.

----------O----------

COPY No. II (2)

Office Order.

No.G-40 of 1947.

In the temporary post of overseer sanctioned in G.R.(P.W.D.)No. 3930/36 XV-E of 13-3-47, Mr. K. R. Iyer, D.L.B.Overseer is appointed as an overseer on the Temporary establishment on a monthly pay of Rs.130/- in the scale of Rs.70-5-110 E.B.10-180 E.B.10-250, plus Rs.10/- Temporary additional pay and the D.A.admissible under the orders of Government issued from time to time, the present rate being 17½%. He is posted to the Divisional Office, Karwar. His appointment is subject to the following conditions:-

(i) The appointment is purely temporary and will be subject to the conditions applicable to the temporary employees in this Department.

(ii) He should produce a Medical certificate of health as required by B.C.S.Rules 10 and 11.

(iii) He should produce a domicile certificate in the prescribed form.

(iv) He should sign a declaration as required by para.88(i) of the Bombay P.W.D.Manual Vol.I and another declaration that he is willing to go to whatever station he is at any time be posted in the Southern Circle.

(v) No expenses for joining the appointment will be paid to him and his pay will commence from the date he actually reports for duty.

2. Mr. Iyer should note that the Superintending Engineer, S.C.Belgaum, has approved of the appointment and has asked this office to make it clear to him in issuing the appointment order that he cannot be treated as on foreign service as there is no rule under which this can be done. Regarding Mr. Iyer's request for keeping his lien on his appointment in the D.L.B. and payment of pension and leave contribution, the Superintending Engineer, S.C. has also passed orders that it is for the Board and Mr. Iyer to decide the matter between themselves. These terms and conditions of appointment are hereby made clear to Mr. Iyer to avoid ambiguity in the matter.

sd/
Executive Engineer, Kanara Divisi...

P.T.O

Continued:

The President, D.L.B., Kanara, Karwar, for information and communication to Mr. Iyer, D.L.B.Overseer, with reference to the correspondence ending with his letter No.L.F.7462 dated 13-3-47.

2. Since the services of Mr. Iyer are badly required in this office he may please be relieved immediately.

3. The Collector and President, D.S.S.A.Board, Kanara, Karwar, with compliments, with reference to his endorsement No. S-2(S)-242, dated 8-8-46.

The Superintending Engineer, S.C. Belgaum w.cs. with reference to his No.H-40 dated 29-3-47.

Advance copy to Mr. K. R. Iyer, D.L.B., Overseer, for information and guidance.

---------:0:---------

COPY No. III (3)

Copy of letter No. Pen.Con.3579, dated 24-9-1945, addressed to the Chief Accounts Officer, F.D.(Supply) Bombay.

==0==

"Orders of Government, waiving the recovery of Pen. Con. are not necessary, since the service is now rendered under the Government of Bombay".

---------*---------

COPY No. IV (4)

No.F.P.C.S.R.829.
Office of the Commissioner, S.D.
Belgaum, 14th May 1946.

Memorandum.

With reference to his application dated 19-3-1946for the post of an Accounts Supervisor in connection with the District Civil Supply Scheme, Mr. N. M. Desai, Accountant, D.L.B.Kanara is informed that he is provisionally appointed and posted to the Kanara District as Accounts Supervisor subject to the following conditions:-

1. He will be on probation for a period of three months and will be continued in the post, if his work is found satisfactory.

2. Travelling and other allowances for journeys on tour will be paid according to the rules of the Bombay Government as amended from time to time.

3. His initial pay in the scale of Rs.100-5-175 will be Rs.135/- and he should report himself for duty to the Collector of Kanara within a week from the date of receipt of this order.

4. He is liable for transfer to any district in this division and must give three months' notice to the Commissioner if he wants to resign the post any time.

sd/
Commissioner, S.D.

To

Mr. N. M. Desai, Accountant, D.L.B.,Kanara, through the President, D.L.B., Kanara, with a request to relieve Mr. Desai, immediately and direct him to join his new appointment within a week.

Copy to the Collector of Kanara for information.

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COPY No V (5)

Extract from G.R., F.D., (Supply) No.L.42/158 dated 5-4-1944.

===

4. The appointments of the staff recruited from the Local Bodies will be on foreign service conditions and leave & pension (or provident fund) contributions will be paid by Government."

---------(*)---------

"True copies"

Karwar, ~~15-9-1947.~~ 9-1-1950

Overseer.

To
B.G.Kher, Esquire,
Premier, Government of Bombay,
(Camp: KARWAR)

574 18 JAN 1950

Subject: Humble appeal of Mr.K.R.Iyer,P.A. to Engineer, D.L.B., Kanara in connection with the concessions to be granted on deputation from D.L.B.,Kanara to Government P.W.D. on Foreign Service Conditions.

Ref: Below telegram from Premier's Secretary dated 5/1/1950 in continutation of the application from Mr. K.R.Iyer, D.L.B.Kanara. of 1-1-1950.

This was handed over to HP during his recent visit to Karwar. HM/PWD is concerned with this. He may deal with it.

19-1-50

HONOURED SIR,

In furtherance of my application dated 1/1/1950 I beg to state that I am much grateful to you for granting me an interview at Karwar. In addition to my verbal say, I beg to submit the following points for your sympathetic consideration.

(1) At the time of my joining P.W.D. on 4/4/1947, on a salary of Rs. 130 plus 10 per p.m. my pay in D.L.B. was Rs. 100 plus 10 p.m. Later on, this pay of Rs. 100 plus 10 p.m. was raised to 125 plus 10 p.m. as per orders of Bombay Government and further, this was revised at Rs.148 based on Government Circular for Revision of Pay from 1/1/1947. As usual adding up of my increment for the period of my service in P.W.D. my pay raised to Rs.164 in D.L.B while the pay in P.W.D. remained the same at Rs.130 plus 10 P.M. till my repatriation to D.L.B. This shows I got Rs.24/- less in P.W.D. for each month as detailed ~~to~~ IN my application addressed To Honourable Minister P.W.D. pp. 1-5 dated 11/4/1949. This difference could not be foreseen by me at the time of my joining the Government P.W.D, since the orders were passed by Government while I was serving in P.W.D. (copy submitted to the Premier on 1/1/1950 regarding the application to the minister P.W.D. pp. 1-5 on 11/4/1949).

for remarks

(2) In addition to such a less pay of Rs.24/- P.M. in P.W.D., I was forced to pay back my contribution for pension and leave salary to the Government itself, for the period of my service in Government P.W.D. at

at Rs. 30 a month, the total loss agregating to Rs.54/- per month in P.W.D. when compared to my pay in D.L.B. In this connection, I beg to draw the attention of your honour to the copy of Accountant General Bombay Letter No.Pencon 3579 dated 24/9/1945 addressed to the Chief Accounts Officer F.D. (Supply) Bombay " ~~On~~ Orders of Government ~~wixgh weighing~~ WAIVING the recovery of pencon ~~or~~ ARE not necessary, since the service is now rendered under the Government of Bombay" (copy No.3 attached herewith)

2(a) Since I also rendered my service under P.W.D. Government of Bombay recovery of pension contribution from my salary in my case also, is not justifiable.

(3) My reduced pay in P.W.D. has also reduced my dearness allowance comparing to that I must have got in D.L.B.Kanara.

(4) Being a pre 1931 entrant I am entitled to 1/11th part of my period on duty to be counted for leave while P.W.D. counted my leave at 1/22nd part of my period of service for leave taking ~~xxxx~~ my service on temporary basis, and, in consequence, I loose my claim for leave on average salary for 1 month and ½ average salary for another month. This is a clear loss to me as there is no leave at my credit in case, I have to go on leave and this I should do so, by proceeding on leave without pay.

(5) It is the Government of Bombay that has to pay my pension after retirement from D.L.B. as the D.L.B. contributes for pension fund to Government of Bombay. Then how can, Government of Bombay extract pension contribution from my pay for the period of my service under the very Government? Kindly throw light on this please.

(6) I have not been paid my T.A. amounting to more than Rs. 150/- to join my parent department on re-patriation from Shiddapur to Karwar ~~xx~~ a distance of more than 100 miles on the pretext that I was a temporary

hand in P.W.D. Is this fair your honour?

(7) The Accountant General Bombay objected the Recovery of Pension Contribution from me direct (please vide copy no.1 attached).

(8) I agreed to pay my pencon and leave salary contribution from my pay, in case the Government of Bombay does not contribute for the same on the clear understanding that the Government would be just and fair to treat my case also as in the case of 4 other D.L.B. employees deputed to Government F.D.(Supply) and I am still hopeful and confident that the Government would pass suitable order in my case also to treat my service on Foreign Service condition on principles of equity and justice. A copy of the ~~Appointing~~ appointment order of the Executive Engineer Kanara Division is appended herewith.(Copy No.2 for favour of your perusal.).

(9) The appointment orders of M/s. U.S.Bhat, and N.M.Desai Accountants of D.L.B. deputed to Government Supply Department ~~or~~ are favoured to treat their service on Foreign Service Condition (copy Nos. 3 and 4 attached for your kind perusal) Similarly M/s. G.W.Nerurkar and Savant of D.L.B.Kanara deputed to Supply Department are also granted the facilities on Foreign Service Condition. Your Honour, may pause and think why my case only be treated otherwise of the 4 brother servants of the same office, and deputed to serve under the same Government. This is an apparent piece of injustice done to me.

(10) To further convince you in the matter copy no.5 attached herewith may kindly be perused. The extract G.R.F.D. (Supply) No.L.42/158 dated 5/4/1944, clearly states that " <u>The appointments of the staff recruited from the Local Bodies will be on foreign service condition and leave and pension (or provident fund) contribution will be paid by Government</u>".

I appeal to Your Honour to revise the orders passed by Government even on the basis of this G.R.

11. In this connection I may kindly further permitted to state, that the 4 other employees of D.L.B. deputed to Supply Department are granted pay 25 per cent in excess of their pay in D.L.B. in the foreign department, while the Government in my case has not even paid as much as the pay in my parent department and being reduced it below ~~my~~ normal, further the pay is reduced in way of contributions for pension and leave salary to the extent of Rs. ~~45~~ 54/- per month as narrated already. Your Honour kindly imagine my poor fate!

12. In consideration of the instances and circumstances quoted and narrated above, I most humbly pray your Honour to take mercy on me and my poor lot and treat my period of temporary service in Government P.W.D. on foreign service condition and rescue me from the present catastrophe of losing to the extent of Rs.1500/- and be a victim to hardships and misery in my old age and even after my retirement.

" PRAYING FOR YOUR LONG LIFE AND PROSPERITY".

K a r w a r,
9th January 1950.

Yours faithfully,

(Sd/- K.R. Iyer, P.A. to Engineer
D.L.B. Kanara)

Copy submitted with respects through:

E.B.(II).

Mr. K.R. Iyer Overseer in the D.L.B. whose services were lent to this Deptt. from 4-4-47 to 31-3-49 has now represented to the H.P.M. for setting right the following grievances pp 41 47

(1) Payment by Govt. of his leave and pension contribution while in the service of this Deptt.

(2) Making good the loss in pay incurred by him while in this Deptt.

(3) Grant of leave at 1/11th part of duty period ie as a pt. Govt. servant.

(4) Payment of T.A. to join his parent Deptt. ie

2. Mr. Iyer's requests at (1) and (2) have ~~been~~ been considered in details and negatived - vide G.L. at p.38 ante and the notes underlying it. pp 33-1

3. It appears from Mr. Iyer's representation that a copy of it has been submitted thro: proper channels, viz, the President, D.L.B., and the S.E., S.C., as in the case of his previous representation pp 1-2 and remarks of these officers may be awaited for some time.

6-2-50

4/3/50

Ans
6/2

2

Below endorsement dated the 24th January, 1950 of the President, D.L.B., Kanara on the application dated the 9th January, 1950 of Mr.K.R.Iyer, overseer, in the D.L.B., Kanara, addressed to the Premier, Government, of Bombay.

****

No.G-40/1 Public Works Department,
BELGAUM: 14 February, 1950.

Passed on with compliments, to the Secretary to Government, Public Works Department, Bombay with reference to the correspondence ending with -- Government letter No.S-92/68258-E(II) dated the 9th November 1949.

2. The appeal now submitted to the Premier, Government of Bombay by Mr.K.R.Iyer, overseer in the D.L.B., Kanara is just similar to the one addressed to the Honourable Minister for Public Works Department and Public Health, Government of Bombay which has been replied to by Government in their letter referred to above.

3. The work and conduct of Mr.K.R.Iyer while he was overseer in the Kanara Division in this - Circle was most unsatisfactory as may please be seen from the report made to Government under this office letter No.G-36(Confidential) dated the 11th August 1949 in connection with allegations of mis-appropriation of Government money etc. and Government in their letter (Confidential) No.1220/48-E(III), dated the 19/23rd January 1950 have directed the President, D.L.B., Kanara to take ~~such~~ action - against Mr.Iyer as may be considered necessary.

S S Dhekne

Superintending Engineer, S.C.

KSR.

...

E&II
17/2
P. W. D.
S. 92
Serial No. 12741

S.9. 741.

P.N.D

E.B. (II).

The S.E., S.C., has forwarded the representation from Mr. K.R. Iyer addressed to the H.C.M. The S.E. has not offered any fresh remarks on the representation. Attention in this connection is invited to the O.N. dt. the 6-2-50. As the S.E's remarks on paras. 1(4) and (6) of the representation are considered necy., the draft put up may issue, if approved.

21/2/50.

21/2/50.

S.92/12741

Letter.

No. S 92/12741-E(II). P.W.D.,
B.C., Bday No.1) 22nd Feby. 1950.

To

The S.E., S.C.

Sub:- Request from Mr. K.R. Iyer, overseer, for payment of leave and pension contribution, etc., while in the service of the P.W.D.

Ref: Your endorsement No. G.40/1, dt. the 14-2-50.

2. Please furnish your remarks on paras. 1(4) and (6) of Mr. Iyer's representation (copy enclosed).

By order of the G. of B.,

D.A.- copy of G.O. & copy of representation.

with DA

ISSUED on 24/2/50

W/24/2/50

21/2/50.

Letter.

From

The Superintending Engin r,
Southern Circle, Belgaum.

To

The Secretary to Government,
public Works Department, Bombay.

No. G-40./1

Public Works Department,
Belgaum 30 March 1950.

Subject:- Request from Mr. K.R.Iyer, Overseer, for payment of leave and pension contribution etc. while in the service of the public Works Department.

Reference:- Govt. letter No. S.92/12741-E(II), dated the 22nd February 1950.

As called for in para 2 of the above Govt.letter, I have to offer my remarks on paragraphs 1(4) and (6) of Mr. K.R.Iyer's representation dated the 9th January 1950.:-

2. Para 1 (4) of the Representation:- As alredy reported to Government in this office endorsement No. G-40/1 dated the 11th August 1949, the services of Mr. K.R.Iyer, in this Department was not accepted on foreign service conditions, and this appointment was purely a temporary and subject to the conditions applicable to temporary employees of public Works Department. Mr. Iyer had also given a statement to the President District Local Board, Kanara, to the effect that he was prepared to pay the pension contribution and leave salary and Mr. Iyer was informed that it was a matter to be decided between himself and the District Local Board . As Mr. Iye had had accepted the temporary overs er's post in this Department on these conditions, the leave as is applicable to temporary employees of this Department was granted to Mr. Iyer overseer and ~~as~~ such he has no grounds to complain.

3 Para 1 (6) of the Representation:- As regards T.A. claims of Mr. Iyer from Siddapur to Karwar, the Executive Engineer, Kanara Dn, who had submitted the T.A.bill of Mr. Iyer, over-seer on transfer from Siddapur to Karwar was informed that as Mr. Iyer joined the District Local Board direct instead of at Karwar after expiry of his leave, the transfer T.A. is to be paid by the District Local Board, Kanara, and that his bill may be returned to the President D.L.B. Kanara for disposal.

PBK.

Superintending Engr.S.C

S.92/26236.

P.W.D.

E.B.(II).

Submitted with reference to the G.L. at p.62 ante and the note underlying P.61 it.

2. The S.E's remarks in respect of T.A. claim of Shri Iyer is not quite clear. The S.E has stated that a bill was prepared by the Ex. Engr, Kanara Dn, but he (the S.E.) informed the Ex. Engr. to return the bill to the President, D.L.B., Kanara, for disposal, as Shri Iyer had joined the D.L.B. direct instead of joining at Karwar after the expiry of the leave. It is not known whether Shri Iyer was under orders of transfer to join the D.L.B. on the expiry of his leave or whether Shri Iyer rejoined the D.L.B. of his own accord looking to the benefits he would now derive in the D.L.B. The S.E. may be requested to elucidate this point as per draft P.66 put up for approval.

5/4/50.

14/5/4

L. S.

S. 92/26236. 66 letter.

No. S. 92/26236-E(II). P. W. D.,
B. C. (Bbay No. 1), 6th April 1950

To
The S. E., S. C.

Sub:- Request from Shri K. R. Iyer, Overseer, for payment of leave and pension contribution, etc., while in the service of the P. W. D.

Ref: p 63
Ref: Your letter No. G-40/1, dt. the 30-3-1950.

2. It is not clear from para. 3 of your letter refd. to above whether Shri K. R. Iyer, Overseer, was under orders of transfer to join the D. L. B., Kanara, after the expiry of his leave, or whether Shri Iyer joined the D. L. B., Kanara, of his own accord looking to the benefits he would now derive under the D. L. B. Please, therefore, elucidate this point.

By order of the G. of B.,
Asstt. Secy. to the Govt. of Bbay,
P. W. D.

D. A. - Nil.

5/4/50.

Issued
5/4/50

-59 Copy of M.11-50

To

B.G.Kher, Esquire,
Premier, Government of Bombay,
(Camp: KARWAR)

Subject: Humble appeal of Mr.K.R.Iyer,P.A. to Engineer, D.L.B., Kanara in connection with the concessions to be granted on deputation from D.L.B.,Kanara to Government P.W.D. on Foreign Service Conditions

Ref: Below telegram from Premier's Secretary dated 5/1/1950 in continuation of the application from Mr. K.R.Iyer, D.L.B.Kanara dt 1-1-1950

HONOURED SIR,

In furtherance of my application dated 1/1/1950 I beg to state that I am much grateful to you for granting me an interview at Karwar. In addition to my verbal say I beg to submit the following points for your sympathetic consideration.

(1) At the time of my joining P.W.D. on 4/4/1947, on a salary of Rs. 130 plus 10 per p.m. my pay in D.L.B. was Rs. 100 plus 10 p.m. Later on this pay of Rs. 100 plus 10 p.m. was raised to 125 plus 10 p.m. as per orders of Bombay Government and further this was revised at Rs.148 based on Government Circular for Revision of Pay from 1/1/1947. As usual adding up of my increment for the period of my service in P.W.D. my pay raised to Rs.164 in D.L.B while the pay in P.W.D remained the same at Rs.130 plus 10 P.M. till my repatriation to D.L.B. This shows I got Rs.24/- less in P.W.D. for each month as detailed in my application addressed to Honourable Minister P.W.D. dated 11/4/1949. This difference could not be foreseen by me at the time of my joining the Government P.W.D. Since the orders were passed by Government while I was serving in P.W.D. (copy submitted to the Premier on 1/1/1950 regarding the application to the minister P.W.D. on 11/4/1949).

(2) In addition to such a less pay of Rs.24/- P.M. in P.W.D. I was forced to pay back my contributi for pension and leave salary to the Government itse for the period of my service in Government P.W.D.

at Rs. 30 a month, the total loss agregating to Rs.5
per month in P.W.D. when compared to my pay in D.L.B
In this connection, I beg to draw the attention of y
honour to the copy of Accountant General Bombay Lett
No.Pencon 5579 dated 24/9/1945 addressed to the Chie
Accounts Officer P.D. (Supply) Bombay " ~~on~~ orders of
Government ~~mixed~~ WAIVING weighing the recovery of pencon are
necessary, since the service is now rendered under t
Government of Bombay" (copy No.3 attached herewith)

2(a) Since I also rendered my service unde
P.W.D. Government of Bombay recovery of pension contr
bution from my salary in my case also is not justifia

(3) My reduced pay in P.W.D. has also redu
my dearness allowance comparing to that I must have
in D.L.B.Kanara.

~~(4) Being a pre 1934 entrant~~ I am entitled
1/11th part of my period on duty to be counted for lea
while P.W.D. counted my leave at 1/22nd part of my per
of service for leave taking ~~xxxx~~ my service on tempo
basis and in consequence I loose my claim for leave on
average salary for 1 month and ~~a~~ average salary for
another month. This is a clear loss to me as there is
leave at my credit in case I have to go on leave and
this I should do so by proceeding on leave without pay

(5) It is the Government of Bombay that has
pay my pension after retirement from D.L.B. as the D.L
contributes for pension fund to Government of Bombay. I
how can Government of Bombay extract pension contribu
ion from my pay for the period of my service under the
very Government? Kindly throw light on this please.

(6) I have not been paid my T.A. accounting
to more than Rs. 150/- to join my parent department on
re-patriation from Shiddapur to Karwar a distance of
more than 100 miles on the protext

I appeal to Your Honour to revise the orders passed by Government even on the basis of this G.R.

11. In this connection I may kindly further permitted to state that the 4 other employees of D.L.B. deputed to Supply Department are granted pay 25 per cent in excess of their pay in D.L.B. in the foreign department, while the Government in my case has not even paid as much as the pay in my parent department and being reduced it below my normal further the pay is reduced in way of contributions for pension and leave salary to the extent of Rs. ~~45~~ 54/- per month as narrated already. Your Honour kindly imagine my poor fate!

12. In consideration of the instances and circumstances quoted and narrated above I most humbly pray your Honour to take mercy on me and my poor lot and treat my period of temporary service in Government P.W.D. on foreign service condition and rescue me from the present catastrophe of leaping to the extent of Rs.1500/- and be a victim to hardships and misery in my old age and even after my retirement.

"PRAYING FOR YOUR LONG LIFE AND PROSPERITY".

K a r w a r,
9th January 1950.

Yours faithfully,

(Sd/- K.R.Iyer, P.A. to Engineer
D.L.B.Kanara)

Copy submitted with respects through:

1) President, D.L.B. Kanara
2) Superintending Engineer, Southern Circle, Belgaum.

hand in P.W.D. Is this fair your honour?

(7) The Accountant General Bombay objected the Recovery of Pension Contribution from me direct (please vide copy no.1 attached).

(8) I agreed to pay my pencon and leave salary contribution from my pay in case the Government of Bombay does not contribute for the same on the clear understanding that the Government would be just and fair to treat my case also as in the case of 4 other D.L.B. employees deputed to Government F.D.(Supply) and I am still hopeful and confident that the Government would pass suitable order in my case also to treat my service on Foreign Service condition on principles of equity and justice. A copy of the ~~Appointing~~ appointment order of the Executive Engineer Kanara Division is appended herewith.(Copy No.2 for favour of your perusal.).

(9) The appointment orders of M/s. U.S.Bhat, and N.M.Desai Accountants of D.L.B. deputed to Government Supply Department arefavoured to treat their service on Foreign Service Condition (copy Nos. 3 and 4 attached for your kind perusal) Similarly M/s. G.V.Nerurkar and Savant of D.L.B.Kanara deputed to Supply Department are also granted the facilities on Foreign Service Condition. Your Honour, may pause and think why my case only be treated otherwise of the 4 brother servants of the same office and deputed to serve under the same Government. This is an apparent piece of injustice done to me.

(10) To further convince you in the matter copy no.5 attached herewith may kindly be perused. The extract G.R.F.D. (Supply) No.L.42/158 dated 5/4/1944, clearly states that " The appointments of the staff recruited from the Local Bodies will be on foreign service condition and leave and pension (or provident fund) contributions will be paid by Government".

75- 67

Office of the P.S.to H.M.
P.W.D.

One Mr. K.R.Iyer P.A. to Enginder, D.L.B. Kanara had written to H.M.P.W.D. on 11-4-49 in connection with the concessions to be granted on deputation from D.L.B Kanara to P.W.D. on foreign service conditions subsequently he made an appeal to H.C.M. on 9-1-1950. He joined P.W.D. as a lent hand from D.L.B on 4-4-1947. His pay in P.W.D. was Rs.130 plus 10 p.m. while the pay in D.L.B. was raised to Rs.164/- In addition to this he was made to pay Rs.30/- towards the pension and leave salary. He says he has not been rendered justice. He prays for justice ,citing several Govt. circulars.

I would like to look into the file. The file may please be sent to me.

3/4
P.S. to H.M.P.W.D.

To

The Secy.,P.W.D.

4/4

6-3 -77- S.92/27306.

P.W.D.

E.B.(II).

The P.S. to H.M., P.W.D., has forwarded a copy of Shri K.R. Iyer's representation addressed to the H.C.M. A copy of this communication has also been received in this Deptt. from the H.C.M's office. Attention in this connection is invited to the G.L. at p.66 ante and the note underlying it. The receipt of the report may be awaited. On receipt of the report the papers will be shown to the P.S. to H.M., P.W.D., as desired, before submission.

pp. 67-74

pp. 41-47

p65

14/4/50.

14/4/50

D.S.

Ans
15/4

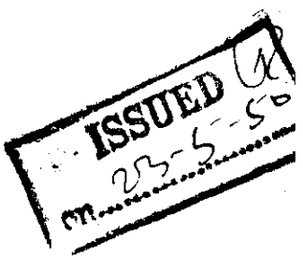
S. 92/27306.

P.W.D.

E.B.(II).

The S.E, S.C., expedited under No. S.92/27306-E(II), dt. the 23rd May 1950.

22/5/50.



From

The Superintending Engineer,
Southern Circle.

To

The Secretary to Government,
Public Works Department,
BOMBAY 1.

No. G-40. Public Works Department,
BELGAUM: 30th May 1950.

Subject: Request from Shri. M.R.Iyer, Overseer for payment of leave and pension contribution etc., while in the service of the Public Works Department.

Reference: Govt. Memo No. S-32/2080-B(11) dated the 10th April 1950.

An Executive Engineer, Kanara Division had ordered Shri A.R. Iyer, Overseer, by notice under his No.G-10/CB dated the 5th February 1949 that he was to be relieved to report at Karwar his services to the D.L.B. Kanara from 1st April 1949 B.N., His services were not required by this Department from that date. The Executive Engineer, however, had transferred the Overseer from Siddapur to the Divisional Office, Kanara and the Overseer was thus relieved at Siddapur on 14th February 1949 A.N. from which date he proceeded on leave on medical certificate for one month and subsequently was granted leave on the same grounds upto 31st March 1949 A.N. The leave granted to the Overseer was: earned leave for 31 days from 15-2-1949 B.N. to 15-3-1949 A.N. and earned leave on half pay for 15 days from 16th March 1949 B.N. to 31st March 1949 A.N. was therefore, granted to the Overseer by this office, and after expiry of the leave, the Overseer resumed duty in the D.L.B. Kanara direct.

2. Subsequently, however, while submitting T.A. Bill of Shri. Iyer on his transfer from Siddapur to Karwar, for the month of March 1950, the Executive Engineer, Kanara Division reported to this office that the Overseer, who was transferred from Siddapur to Karwar did not join duty there but proceeded on leave on medical grounds as stated in para 1 above and resumed duty in the D.L.B. Kanara after expiry of leave without giving departure report to the Executive Engineer, Kanara Division, Karwar, and as such the Executive Engineer, was informed that as Shri. Iyer joined his duty in the D.L.B. instead of at Karwar after expiry of his leave the transfer T.A. is to be paid by the D.L.B. Kanara.

3. Shri. Iyer should have given the departure report to the Executive Engineer, Kanara Division on the 31st March 1949 A.N. which he failed to do and joined his duty in the D.L.B. on 1st April 1950.

4. Orders may, therefore, please be issued whether in the circumstances the T.A. on transfer may be paid by this Department or by the D.L.B.Kanara.

5. This has also reference to Government Memorandum No. S-32/2080-B(11) dated 23-5-1950.

30/5

GDT.

Superintending Engineer, S.C.

S.92/44010

P. W. D.

E.B.(II).

Shri K. R. Iyer, Overseer in the D.L.B., Kanara, whose services were lent to this Deptt. from 4-4-47 to 31-3-49, has appealed to the Hon'ble the Chief Minister for setting right the following grievances:- pp. 41-47

(i) Payment by Govt. of his leave and pension contribution while in the services of this Deptt.

(ii) Making good the loss in pay incurred by him while in this Deptt.

(iii) Grant of leave at 1/11th part of duty period i.e. as a permanent Govt. servant.

(iv) Payment of T.A. to join his parent Deptt.

2. Shri Iyer's appeal to the H.C.M. is similar to the one recd. in this Deptt. in April 1949 and the requests at (i) and (ii) above have been considered in detail and negatived - vide G.L. at p. 36 ante and the note underlying it. pp. 1-5 pp. 33-34 Shri Iyer may, therefore, be informed that the orders already passed by Govt. in this connection cannot be reconsidered.

3. As regards Shri Iyer's complaint that he has not been given leave at 1/11th part of the duty period, it is clear from para. 2 of the S.E.'s letter at p. 63 ante that Shri Iyer's appointment was purely tempy. and as such leave applicable to tempy. Govt. servants has been granted. That Shri Iyer's service was not to be considered as on foreign service has already been considered at length - vide in this connection P.& S.D. u.o.r. dated the 20-9-49, concurred by the F.D. and para. 2 of the O.N. dated the 19-10-1949. The fact that he was a tempy. hand in the P.W.D. has been admitted by Shri Iyer - vide point (6) of his appeal dated the 18-1-50. The leave as granted by the S.E. is, therefore, in order and Shri Iyer may be informed that the leave granted by the S.E. is according to the existing rules. P. 27 P. 28 pp. 33-34 P. 43

4.....

4. As regards the other complaint that he has not been paid the t.a. to join his parent Deptt. on the grounds that he is a tempy. hand is not correct. The fact as pointed out by the S.E., S.C., in his letter P.79 dated the 30-5-50, is that it was decided by Govt. to repatriate his services to the D.L.B., Kanara, with effect from 1-4-49 and Shri Iyer was informed accordingly by the S.E. under his No.G.40/C.B., dated the 9-2-49. Shri Iyer was, in the meantime, transferred by the Ex.Engr. from Siddapur to the Divnl.office at Kanara and Shri Iyer was relieved at Siddapur on the 12-2-1949 A.N., from which date he proceeded on leave on medical grounds and subsequently applied for extension. On the expiry of the leave Shri Iyer joined the D.L.B., without even handing his departure report to the Ex.Engr., Kanara Dn., and as such the S.E. directed the Ex.Engr. that the transfer T.A. was required to be paid by the D.L.B. It is not clear why Shri Iyer did not hand his departure report to the Executive Engr. It may, however, be pointed out that Shri Iyer was involved in a series of irregularities for which departmental action has been proposed against him in consultation with the H.& L.G.D. The results of the inquiry are, however, awaited from the President, D.L.B., Kanara. In the circumstances it is for orders whether the S.E. may be requested to pay the t.a. from Siddapur to Karwar.

X Not addressed to C.N.T.

File 1220/48

A

3/6/50

Considering the indifferent attitude shown by Shri Iyer, he does not deserve to get any concession but may however consider his request for the payment of T.A. on transfer from Siddapur to Karwar, favorably.

GJP. 2/6/50

D.S.

Skcy.

P.S.V. H.M.

H.M.

H.C.M.

A - The T.A. may, I think, be paid.

3/6/50

5/6

S-92
44010

5/6

P.S. to HM PWD

H.M. P.W.D

H.C.M

s/t K.R. Iyer had served, before he was taken by the P.W.D in the ~~Ele~~ D.L.B. Kanara. After the Departmental action he is again taken back by the D.L.B. & it is strange to find that the D.L.B is reluctant to leave him despite the recommendations from the P.W.D to the effect he should be dismissed from service. Now that s/t K.R. Iyer was found to be involved in irregularities, it may ~~have~~ be did not have a case for exemption of contributions towards his leave salary and pension funds. But presuming he was quite normal in his record of service, which, I think, he was, before found to be ~~so~~ not so or up to some time after he joined P.W.D, it would not have been charitable if he had given that concession. He says it was not a condition precedent to his being taken in the P.W.D and hence he had hopes of convincing the P.W.D of the justness of his request, ~~unless~~ on the strength of treatment ~~of~~ given to others similarly placed. Despite all as said above, he is found to be a guilty soul, deserving to be dismissed from service and hence his case remains weak. All the same it looks mysterious to find the D.L.B Kanara showing a stubborn attitude as indicated in the Resolution passed in the D.L.B. meeting about s/t Iyer's services being continued.

Dms
5/6.

11/6

It would be advisable to await the result of the departmental enquiry before finalising the case for Siddapur Manager.

JMM 7/6

Rpt 9.6.50

S-92/44010

P.W.D.

E.B.(II).

P.83

Resubmitted with refce. to the H.M's minute dated the 7-6-1950 agreed to by the H.C.M.

2. The Departmental Action in this case is reqd. to be taken by the D.L.B., Kanara, as the power to dismiss or demote a D.L.B. servant rests with the Board under Section 122 of the D.L.B.Act. The D.LIB. Kanara, was accordingly requested in G.Ls. No.1220/48-E(III), dated the 19/23-1-1950 and No.1220/48-E(II), dated the 27-3-1950, to institute inquiries against Shri Iyer and take such action as deemed fit under intimation to Govt. It will be seen from the Resolutions No.48, dated the 2-3-50 and No.41, dated the 1-6-50, in file 1220/48, that the D.L.B., Kanara, is adamant to take any action against Shri Iyer and has requested this Deptt. to go to the Court of Law. The Anti-Corruption Branch which investigated the case has recommended departmental action presumably because there was not enough evidence to prosecute him. The question of taking departmental action against Shri Iyer has had, therefore, to be closed vide O.N., dated the 21-6-50, and the orders thereon.

3. In the circumstances it is for orders whether Shri Iyer should be paid the travelling allowance from Siddapur to Karwar. If so, the papers may be retd. u.o. to the F.D.

BVK.
5.7.50.

6-7-50.

For orders

4/7/50

The T.A. may, I think, be paid.

D.S.

617

I agree with the Secretary's remarks, since Shri Iyer was transferred to Karwar and ended [illegible] there.

P.S to H.M P.W.D
H.M. P.W.D.
H.C.M.

13-7-50

Finance Department-C.

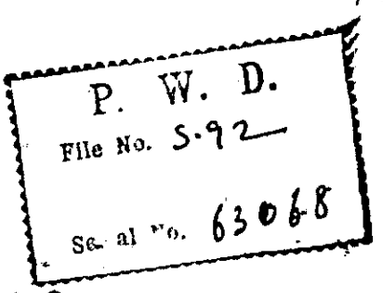
B.C.S.R.503 regulates the grant of t.a. to a Govt. servant who proceeds on leave on average pay not exceeding four months. ~~Shri Iyer proceeded on leave~~ after he handed over charge but the leave taken by Shri Iyer was not leave on average pay, vide 'A' on page 79 ante. Besides on the expiry of leave Shri Iyer did not resume duties under Govt. But he joined service under the D.L.B. Unless, therefore, it was a condition precedent to Shri Iyer's transfer that expenditure on journeys on transfer to and reversion from Govt. service would be born by Govt., he has no legitimate ~~claim~~ for t.a. from Govt. It is not known whether ~~that~~ there was such a condition precedent to Shri Iyer's transfer. In case there was no such candition, the point for consideration is whether Shri Ayer should be given t.a. As stated above, he has no claim for t.a. However, in view of Secretary P.W.D.'s note dated 6-7-1950 agreed to by the P. S. to H.M., P.W.D., H.M., P.W.D. and H.C.M. the case is for orders.

31.7.50 T.A. may be granted according to F.R. B.C.S.R 505

Sec/8

Sec to P.W.D. dt 1-8-50

Ltr to P.W.D. File No 1211 of 28 complete



E.B.(II). P.W.D.

The F.D. having agreed to the proposal to grant T.A. to Shri Iyer. P.87 The draft put up may issue, if approved.

M 4/8/50.

4V

87 S.92/63068

Letter.

No. S.92/63068-E(II). P. W. D.,
B.C. (Bbay No. 1), 1st/5 Aug. 1950.

To
The S.E., S.C.

Subj. Request from Shri K.R. Iyer, Overseer, for payment of leave and pension contribution, etc.

Ref. Corres. resting with your letter P.79 No. G. 40, dt. the 30-5-1950.

2. The President, D.L.B., Kanara, should be informed that the orders issued in G.L. No. S.92/68258-E(II) P.36, dt. the 9-11-49, are final.

3. As regards Shri K.R. Iyer's request to be granted leave at 1/11th part of the duty period, the President should be informed that the leave granted to Shri Iyer is in accordance with the rules in force and his request cannot be acceded to.

4. Shri Iyer should be paid Travelling Allowance from Siddapur to Karwar in accordance with Rule 505 of the B.C.S. Rules, Vol. I.

By order of the G. of B.,
Asstt. Secy. to the Govt. of B'bay,
P. W. D.

Nil.

Copy forwarded to -
The F.D.,
The C.E., P.W.D.,
The A.G., B'bay (Thro: The F.D.),
The Ex. Engr., Kanara Dn.,
for information

4-8-50